

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES WILLIAMS, Individually and On Behalf of
All Others Similarly Situated,
Plaintiff,

vs.

THE STOP & SHOP SUPERMARKET
COMPANY, LLC and AHOLD DELHAIZE USA,
INC.,
Defendants.

Civil Action No. 1:24-cv-12055-JEK

**DEFENDANTS' PARTIAL MOTION TO DISMISS PLAINTIFF'S AMENDED
COMPLAINT**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants The Stop & Shop Supermarket Company, LLC and Ahold Delhaize USA, Inc. (collectively, "Defendants"), hereby respectfully move to dismiss the claims for injunctive relief and unjust enrichment in the Amended Complaint filed by plaintiff James Williams ("Plaintiff") with prejudice.

As is set forth more fully in Defendants' accompanying Memorandum of Law, Plaintiff brings claims against Defendants for alleged violations of M.G.L. c. 93A, §2 ("Chapter 93A"), the Connecticut Unfair Trade Practices Act, C.G.S. 42-110a, *et seq. Id.* ¶¶ 44-62 ("CUTPA"), and for unjust enrichment. Plaintiff also seeks injunctive relief. Plaintiff's claim for injunctive relief should be dismissed pursuant to Rule 12(b)(1) as Plaintiff lacks standing to assert the claim. In addition, Plaintiff's claim for unjust enrichment must be dismissed under Rule 12(b)(6) for failure to state a claim for relief.

WHEREFORE, for the foregoing reasons and those detailed in Defendants' accompanying Memorandum of Law, Defendants respectfully request that the Court allow Defendants' motion and that Plaintiff's claims for injunctive relief and unjust enrichment be dismissed with prejudice pursuant to Rules 12(b)(1) and 12(b)(6).

Dated: November 19, 2024

Respectfully submitted,

**THE STOP & SHOP SUPERMARKET
COMPANY, LLC AND AHOLD
DELHAIZE USA, INC.,**

By their attorneys,

By: /s/ Christopher M. Pardo
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CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)

I, Katherine P. Sandberg, counsel for Defendant, hereby certify that on November 8, 2024, I conferred with David Pastor and Brian Flick, counsel for Plaintiff, via telephone in a good faith attempt to resolve or narrow the issues presented in this motion, but that the efforts were unsuccessful.

/s/ Katherine P. Sandberg
Katherine P. Sandberg

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, a true and correct copy of this document was electronically filed with the Clerk of Court through the ECF System and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) pursuant to Local Rule 5.4(c).

/s/ Christopher M. Pardo

Christopher M. Pardo